

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA, )  
 ) CR-18-00258-EJD  
 PLAINTIFF, )  
 ) SAN JOSE, CALIFORNIA  
 VS. )  
 ) MARCH 16, 2022  
 RAMESH "SUNNY" BALWANI, )  
 ) VOLUME 6  
 DEFENDANT. )  
 ) PAGES 967 - 973

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TRANSCRIPT OF TRIAL PROCEEDINGS  
BEFORE THE HONORABLE EDWARD J. DAVILA  
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

FOR THE PLAINTIFF: UNITED STATES ATTORNEY'S OFFICE  
BY: JOHN C. BOSTIC  
JEFFREY B. SCHENK  
150 ALMADEN BOULEVARD, SUITE 900  
SAN JOSE, CALIFORNIA 95113  
  
BY: ROBERT S. LEACH  
KELLY VOLKAR  
1301 CLAY STREET, SUITE 340S  
OAKLAND, CALIFORNIA 94612

(APPEARANCES CONTINUED ON THE NEXT PAGE.)

OFFICIAL COURT REPORTERS:

IRENE L. RODRIGUEZ, CSR, RMR, CRR  
CERTIFICATE NUMBER 8074  
LEE-ANNE SHORTRIDGE, CSR, CRR  
CERTIFICATE NUMBER 9595

PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY  
TRANSCRIPT PRODUCED WITH COMPUTER

1 A P P E A R A N C E S: (CONT'D)

2 FOR DEFENDANT BALWANI: ORRICK, HERRINGTON & SUTCLIFFE LLP  
3 BY: MOLLY MCCAFFERTY  
4 SHAWN ESTRADA  
5 THE ORRICK BUILDING  
6 405 HOWARD STREET  
7 SAN FRANCISCO, CALIFORNIA 94105

8 BY: JEFFREY COOPERSMITH  
9 AARON BRECHER  
10 AMANDA MCDOWELL  
11 701 FIFTH AVENUE, SUITE 5600  
12 SEATTLE, WASHINGTON 98104

13 BY: STEPHEN CAZARES  
14 77 SOUTH FIGUEROA STREET, SUITE 3200  
15 LOS ANGELES, CALIFORNIA 90017

16 BY: AMY WALSH  
17 51 W 52ND STREET  
18 NEW YORK, NEW YORK 10019

19 ALSO PRESENT: OFFICE OF THE U.S. ATTORNEY  
20 BY: MADDI WACHS, PARALEGAL  
21 SARA SLATTERY, PARALEGAL

22 ORRICK, HERRINGTON & SUTCLIFFE  
23 JENNIFER CYGNOR, PARALEGAL

24 PROLUMINA  
25 BY: COREY ALLEN  
2200 SIXTH AVENUE, SUITE 425  
SEATTLE, WASHINGTON 98121

UNITED STATES POSTAL INSPECTION SERVICE  
BY: CHRISTOPHER MCCOLLOWS

FEDERAL BUREAU OF INVESTIGATION  
BY: MARIO C. SCUSSEL

UNITED STATES FOOD & DRUG  
ADMINISTRATION  
BY: GEORGE SCAVDIS

JURY CONSULTANT  
BY: DAVID PERROTT

1 SAN JOSE, CALIFORNIA

MARCH 16, 2022

2 P R O C E E D I N G S

09:16AM 3 (COURT CONVENED AT 9:16 A.M.)

09:16AM 4 (JURY IN AT 9:16 A.M.)

09:16AM 5 THE COURT: THANK YOU. PLEASE BE SEATED.

09:16AM 6 LET'S GO ON THE RECORD IN 18-258, UNITED STATES VERSUS  
09:16AM 7 RAMESH "SUNNY" BALWANI.

09:16AM 8 LET ME FIRST CAPTURE THE APPEARANCES OF THE PARTIES,  
09:16AM 9 PLEASE.

09:16AM 10 WHO APPEARS FOR THE GOVERNMENT?

09:16AM 11 MR. SCHENK: GOOD MORNING, YOUR HONOR.

09:16AM 12 JEFF SCHENK ON BEHALF OF THE UNITED STATES.

09:16AM 13 I'M JOINED AT COUNSEL TABLE BY JOHN BOSTIC, ROBERT LEACH,  
09:16AM 14 AND POSTAL INSPECTOR CHRISTOPHER MCCOLLOW.

09:16AM 15 THE COURT: THANK YOU. GOOD MORNING.

09:16AM 16 MR. COOPERSMITH: GOOD MORNING, YOUR HONOR.

09:17AM 17 JEFF COOPERSMITH ON BEHALF OF MR. BALWANI, WHO IS PRESENT.

09:17AM 18 I'M JOINED AT COUNSEL TABLE BY MY COLLEAGUES AMY WALSH AND  
09:17AM 19 STEPHEN CAZARES.

09:17AM 20 THE COURT: THANK YOU. GOOD MORNING.

09:17AM 21 THE RECORD SHOULD REFLECT THAT ALL PARTIES ARE PRESENT.

09:17AM 22 OUR JURY IS PRESENT.

09:17AM 23 JUROR NUMBER 1 IS NOT PRESENT.

09:17AM 24 LADIES AND GENTLEMEN, I WANT TO TALK TO YOU ABOUT SOME  
09:17AM 25 PROCEDURAL MATTERS THIS MORNING, JUST PROCEDURAL MATTERS, NOT

09:17AM 1 ANYTHING TO DO WITH THE SUBSTANCE OF THE CASE.

09:17AM 2 BUT LET ME FIRST ASK COUNSEL, COUNSEL, DO I HAVE YOUR  
09:17AM 3 STIPULATION AND AGREEMENT THAT I CAN PROCEED WITH THESE  
09:17AM 4 PROCEDURAL COMMENTS WITHOUT JUROR NUMBER 1 PRESENT?

09:17AM 5 MR. SCHENK: YES, FROM THE GOVERNMENT.

09:17AM 6 MR. COOPERSMITH: YES, FROM THE DEFENSE, YOUR HONOR.

09:17AM 7 THE COURT: THANK YOU VERY MUCH.

09:17AM 8 LADIES AND GENTLEMEN, I DO WANT TO TELL YOU THAT WE'RE  
09:17AM 9 DELAYED STARTING HERE THIS MORNING, AND THERE'S A REASON FOR  
09:17AM 10 THAT.

09:17AM 11 IT CAME TO THE COURT'S ATTENTION THIS MORNING THAT IT MAY  
09:17AM 12 BE THAT YESTERDAY YOU, AND ALL OF US HERE IN COURT, MAY HAVE  
09:18AM 13 HAD EXPOSURE TO SOMEONE WHO THAT PERSON HAD CONTACT WITH  
09:18AM 14 SOMEONE ELSE WHO HAS TESTED POSITIVE WITH COVID, FOR THE COVID  
09:18AM 15 VIRUS.

09:18AM 16 I SHOULD TELL YOU THAT THIS INDIVIDUAL HAS TESTED  
09:18AM 17 NEGATIVE, BUT OUT OF AN ABUNDANCE OF CAUTION, OUT OF AN  
09:18AM 18 ABUNDANCE OF CAUTION, WHAT -- I HAVE DISCUSSED THIS WITH  
09:18AM 19 COUNSEL, AND THE COURT'S DECISION IN A PROCEDURAL WAY IS THAT  
09:18AM 20 WE'RE NOT GOING TO BE IN SESSION TODAY.

09:18AM 21 WE'RE GOING TO TAKE A BREAK TODAY. OUR NEXT SCHEDULED  
09:18AM 22 SESSION IS FRIDAY, AS YOU KNOW.

09:18AM 23 WHAT WE'RE GOING TO DO IS TO CONTINUE TO MONITOR THE  
09:18AM 24 SITUATION WITH THIS INDIVIDUAL.

09:18AM 25 I SHOULD TELL YOU, AS I SAID, THE INDIVIDUAL HAS TESTED,

09:18AM 1 TESTED NEGATIVE. SO I WANT YOU TO KNOW THAT.

09:19AM 2 BUT OUT OF AN ABUNDANCE OF CAUTION AND FOLLOWING CDC  
09:19AM 3 GUIDELINES, I'M NOT GOING TO HAVE COURT TODAY. WE'RE GOING TO  
09:19AM 4 WAIT AND MONITOR THE SITUATION, AND THEN WE WILL INFORM YOU  
09:19AM 5 TOMORROW, TOMORROW AS TO NEXT STEPS; THAT IS, WHETHER YOU'LL  
09:19AM 6 NEED TO RETURN FRIDAY FOR COURT, OR PERHAPS NEXT WEEK FOR  
09:19AM 7 COURT.

09:19AM 8 AND AGAIN, THIS IS FOLLOWING THE CDC GUIDELINES.

09:19AM 9 I WANTED YOU TO KNOW I'M TAKING THESE STEPS, AS I TOLD YOU  
09:19AM 10 WHEN WE FIRST MET EARLIER THIS WEEK, THE COURT AND COUNSEL,  
09:19AM 11 WE'RE ALL CONCERNED ABOUT YOUR SAFETY, AND THE LENGTH OF THIS  
09:19AM 12 TRIAL DICTATES THAT I'M GOING TO EXERCISE CAUTION AS WE GO  
09:19AM 13 FORWARD WHEN ANY OF THESE ISSUES ARISE. I TAKE THEM VERY  
09:19AM 14 SERIOUSLY. I HOPE YOU APPRECIATE THAT.

09:19AM 15 LET ME TELL YOU THIS: I ALSO WANT TO PROVIDE TO ANY ONE  
09:20AM 16 OF YOU WHO WISHES THE TEST KITS THAT WE HAVE, AND IF ANY OF YOU  
09:20AM 17 WOULD LIKE TO TAKE ONE OF THOSE KITS HOME --

09:20AM 18 MS. ROBINSON, HOW MANY DO THEY HAVE IN A BOX? IS IT ONE?  
09:20AM 19 TWO?

09:20AM 20 IF ANYONE WOULD LIKE TO TAKE A TEST KIT HOME, WE'LL GIVE  
09:20AM 21 IT TO YOU FOR YOUR COMFORT.

09:20AM 22 I'M INFORMED THAT IT HAS TWO TESTS IN THE BOX. WHEN  
09:20AM 23 YOU'RE EXCUSED, IF YOU WOULD LIKE, MS. ROBINSON HAS THEM AND  
09:20AM 24 SHE CAN PROVIDE THEM, AND THE COURT IS MORE THAN HAPPY TO  
09:20AM 25 PROVIDE THE TESTS.

09:20AM 1 YOU CAN TEST YOURSELVES, AND YOU CAN KEEP THAT INFORMATION  
09:20AM 2 PRIVATE IF YOU WISH. IF YOU WANT TO LET MS. ROBINSON KNOW THE  
09:20AM 3 TEST RESULTS, WE'D BE HAPPY TO RECEIVE THAT IF THAT'S WHAT YOU  
09:20AM 4 WOULD LIKE TO DO. THAT WOULD GIVE US OTHER INFORMATION ALSO  
09:20AM 5 ABOUT GOING FORWARD.

09:20AM 6 SO, COUNSEL, ANYTHING ELSE YOU WOULD LIKE TO ADD?

09:20AM 7 MR. SCHENK: NO, YOUR HONOR.

09:20AM 8 THANK YOU.

09:20AM 9 MR. COOPERSMITH: NO, YOUR HONOR.

09:20AM 10 THANK YOU.

09:20AM 11 THE COURT: ALL RIGHT. I APOLOGIZE FOR THE  
09:21AM 12 INTERRUPTION OF OUR SCHEDULE, BUT I HOPE YOU APPRECIATE THAT  
09:21AM 13 I'M DOING THIS OUT OF AN ABUNDANCE OF CAUTION, AGAIN, FOLLOWING  
09:21AM 14 CDC GUIDELINES.

09:21AM 15 AND AGAIN, MY SENSE IS, JUST BASED ON THE INFORMATION THAT  
09:21AM 16 I HAVE, THAT WE WILL BE ABLE TO GET BACK INTO COURT SOONER THAN  
09:21AM 17 LATER. THAT'S THE INFORMATION THAT I HAVE ABOUT THIS LIMITED,  
09:21AM 18 LIMITED EXPOSURE.

09:21AM 19 BUT I JUST WANTED TO LET YOU KNOW THAT, AND AGAIN, I'M  
09:21AM 20 PROCEEDING WITH YOUR SAFETY AND BEST INTEREST IN MIND. I  
09:21AM 21 APOLOGIZE FOR THE INTERRUPTION. BUT WE'LL GET TOGETHER AGAIN  
09:21AM 22 AS EARLY AS FRIDAY, PERHAPS NEXT WEEK. MS. ROBINSON WILL REACH  
09:21AM 23 OUT TO YOU WITH THAT INFORMATION.

09:21AM 24 IF ANY OF YOU HAVE ANY QUESTIONS OR CONCERNS, ANYTHING YOU  
09:21AM 25 WANT TO RAISE ABOUT YOUR PERSONAL SITUATION, PLEASE CONTACT

09:21AM 1 MS. ROBINSON AND SHE CAN PASS THAT INFORMATION ON TO THE COURT,  
09:21AM 2 AND I CAN GIVE THAT TO COUNSEL AS NEEDED.

09:21AM 3 ALL RIGHT. COUNSEL, ANYTHING FURTHER BEFORE WE ADJOURN  
09:21AM 4 FOR THE DAY?

09:21AM 5 MR. SCHENK: NO. THANK YOU.

09:21AM 6 MR. COOPERSMITH: NO, YOUR HONOR. THANK YOU.

09:21AM 7 THE COURT: ALL RIGHT. THANK YOU VERY MUCH, LADIES  
09:22AM 8 AND GENTLEMEN. AGAIN, I APOLOGIZE FOR THE INCONVENIENCE.

09:22AM 9 MS. ROBINSON WILL HAVE THE TEST KITS FOR YOU IN THE JURY  
09:22AM 10 ROOM.

09:22AM 11 THANK YOU. GOOD HEALTH. WE'LL SEE YOU SOON. THANK YOU.  
09:22AM 12 WE'LL BE IN RECESS. THANK YOU.

09:22AM 13 THE CLERK: COURT IS ADJOURNED.

09:22AM 14 (COURT ADJOURNED AT 9:22 A.M.)

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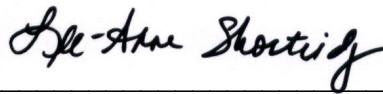
CERTIFICATE OF REPORTERS

WE, THE UNDERSIGNED OFFICIAL COURT REPORTERS OF THE  
UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
CALIFORNIA, 280 SOUTH FIRST STREET, SAN JOSE, CALIFORNIA, DO  
HEREBY CERTIFY:

THAT THE FOREGOING TRANSCRIPT, CERTIFICATE INCLUSIVE, IS  
A CORRECT TRANSCRIPT FROM THE RECORD OF PROCEEDINGS IN THE  
ABOVE-ENTITLED MATTER.



IRENE RODRIGUEZ, CSR, CRR  
CERTIFICATE NUMBER 8076



LEE-ANNE SHORTRIDGE, CSR, CRR  
CERTIFICATE NUMBER 9595

DATED: MARCH 16, 2022